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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,703	04/30/2001	Shozo Imanishi	M2057-68	4923

7278 7590 04/20/2004

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EXAMINER

HANSEN, COLBY M

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/846,703

Applicant(s)

IMANISHI, SHOZO

Examiner

Colby Hansen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1-13-2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 4-16 and 23-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 17-22, 33 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "said adjusting mechanism permitting said adjustment without changing said one dead center position while changing the other", must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 33 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear how the one of the two dead positions can be modified without changing the other, with regard to this particular invention.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

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pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 33 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant gives a negative recitation regarding the adjustment mechanism stating, "said adjusting mechanism permitting said adjustment without changing said one dead center position". Such an exclusionary proviso does not have basis within the specification and is therefore rejected. MPEP 2173.05(i).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,17-22, and 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomas (US Pat. 5,860,318).

Thomas (US Pat. 5,860,318)discloses a slide drive having a slide 12,16, comprising:

means for adjusting said slide drive device 14;

said adjusting means being effective to adjust a stroke of said slide 12, 16;

said adjusting means 14 being pivotable about a center position to adjust said stroke;

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said adjusting means being pivotable to a specified angle to adjust a stroke of said slide;
and said adjusting means transferring a sliding, reciprocating motion to said slide;

said center position being one of a top and a bottom dead center position of said slide;

said adjusting mechanism permitting said adjustment without changing said one dead
center position;

said adjustment changing said other dead center position of said slide (bottom dead center
always the bottom stroke point of 12, due to the guide being arcuate about point 20);

said adjusting means 14 receiving a reciprocating motion;

means for guiding said slide drive device (telescoping guide between 16 and lower half);

a connecting link 28;

said connecting link being effective to transfer said reciprocating motion to said guiding
means;

said guiding means being effective to convert said reciprocating motion to a guiding
displacement;

at least one drive branching link in said guiding means 34;

at least one of a first and a second upper toggle means 30;

said at least one upper toggle means 30 for driving said slide in a cycle;

said at least one drive branching link 34 transferring said guiding displacement to said
one upper toggle means; and

said one upper toggle means 30 being effective to transfer said guiding displacement to
said slide and drive said slide through said cycle;

a connecting rod 22;

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said connecting rod 22 slidably guided by said adjusting means;
a crankshaft 18;
an eccentric part on said crank shaft 20;
said connecting rod 22 operably connects said eccentric part to said adjusting means; and
said connecting rod 22 operably connects said eccentric part to said adjusting means; and
said connecting rod 22 being effective to transfer said reciprocating motion to said
adjusting means whereby said slide operates thru said cycle;
said adjustment means is operably affixed to said connecting rod 32;
said adjusting means is operable to guide said connecting rod along a specified trajectory
34; and
said adjusting means is pivotable about said center position to adjust said specified
trajectory whereby said stroke is adjusted.

Response to Arguments

Applicant's arguments filed 1/13/2004 have been fully considered but they are not persuasive.

Applicant argues that "Thomas fails to disclose at least one drive branching link in said guiding means, as required in the claimed invention". Examiner disagrees, given the extreme structural breadth set forth in the claim language, the interpretation of connecting link 28 (applicant mistakenly referred to the connecting link being "34") being in the claimed structural and functional relationship with surrounding parts is deemed correct.

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Applicant also argues that Thomas does not disclose, "said adjusting means being pivotable to a specified angle to adjust a stroke of said slide; and said adjusting means transferring a sliding, reciprocating motion to said slide". Examiner contends that Thomas discloses such an extremely broad, functional limitations as the adjusting means is pivotal to a specified angle within the guiding means thereby modifying the stroke; additionally the adjusting mechanism does transfer a sliding reciprocating motion to said slide, as broadly recited.

FACSIMILE TRANSMISSION

Submission of your response by facsimile transmission is encouraged. Group 3600's facsimile number is **(703) 305-3597**. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence **not** permitted by facsimile transmission, see MEP. 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check **should not be** submitting by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MEP. 512). The following is an example of the format the certification might take:

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I hereby certify that this correspondence is being facsimile transmitted to the Patent and
Trademark Office (Fax No. (703) 305-3597) on _____

(Date)

Typed or printed name of person signing this certificate:

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MEP. 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Colby Hansen whose telephone number is (703) 305-1036. The

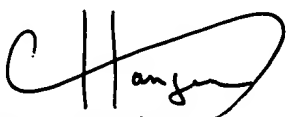
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examiner can normally be reached on Monday through Thursday and every other Friday from 7:30 PM to 5:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci, can be reached on (703) 308-3668. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

DAVID A. BUCCI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Colby M. Hansen

 4/18/04
Patent Examiner